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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MAURICE D. YARBER,

Petitioner - Appellant,

v.

TERESA ROCHA, Warden,

Respondent - Appellee.

No. 03-16448

D.C. No. CV-01-03541-CW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Claudia Wilken, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Maurice D. Yarber appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 habeas corpus petition.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

In his petition, Yarber did not challenge the constitutionality of his plea or conviction, and only challenged the constitutionality of the California state court hearing revoking probation and imposing a four-year prison sentence.

We dismiss this appeal as moot because Yarber's sentence has expired, and thus he lacks standing to raise any challenge to the sentence. *See United States v. Palomba*, 182 F.3d 1121, 1123 (9th Cir. 1999). Yarber's contention that his expired sentence will enhance a subsequent sentence is too speculative to create a case or controversy. *See Spencer v. Kemna*, 523 U.S. 1, 14-16 (1998).

All pending motions are denied.

DISMISSED.